

BAY COUNTY ELECTION COMMISSION
BANGOR TOWNSHIP CLARITY
NOVEMBER 6, 1991

THE BAY COUNTY ELECTION COMMISSION MET ON WEDNESDAY, NOVEMBER 6, 1991, FOR THE PURPOSE OF REVIEWING A PETITION SUBMITTED FOR THE RECALL OF BANGOR TOWNSHIP SUPERVISOR, C. JOSEPH CARLAND. PETITION HAD BEEN FILED BY BANGOR TOWNSHIP RESIDENT, LYNN DALTON. THE MEETING WAS CALLED TO ORDER AT 8:45 A.M. BY CHAIRMAN PAUL N. DONER. THE FOLLOWING MEMBERS AND GUESTS WERE IN ATTENDANCE.

ROLL CALL: JUDGE PAUL DONER, CHAIRMAN
GEORGE MULLISON, PROSECUTOR
BARBARA ALBERTSON, CLERK

OTHERS CYNTHIA A. LUCZAK, SECRETARY
PRESENT: C. JOSEPH CARLAND, SUPERVISOR
LYNN DALTON, PETITIONER
ABBY RAMEY, BANGOR TOWNSHIP
CLARENCE BENNETT, BANGOR TWP.

PURSUANT TO THE OPEN MEETINGS ACT, CHAIRMAN DONER ACCEPTED PUBLIC COMMENT.

BANGOR TOWNSHIP RESIDENT, CLARENCE BENNETT, EXPRESSED HIS CONCERN WITH THE COST OF A SPECIAL RECALL ELECTION. HE HAD BEEN INFORMED SPECIAL ELECTIONS FOR BANGOR TOWNSHIP MAY COST AS MUCH AS \$5,000 PER ELECTION.

CLERK ALBERTSON EXPLAINED THE RECALL PROCEDURE SHOULD THE PETITION BE APPROVED AT THIS CLARITY HEARING. THE PETITIONER WOULD HAVE 90 DAYS TO CIRCULATE PETITIONS. THE NUMBER OF REQUIRED SIGNATURES WOULD BE DETERMINED BY AN ELECTION FORMULA. FOLLOWING THE SUBMISSION OF NECESSARY SIGNATURES, TOWNSHIP CLERKS HAVE 35 DAYS TO VERIFY THE VALIDITY OF THE SIGNATURES. AN ELECTION WAS THEREAFTER SCHEDULED IN ACCORDANCE WITH MICHIGAN ELECTION LAW. IT WAS THE CLERK'S FEELING A RECALL ELECTION MAY FALL VERY CLOSE TO THE NEXT GENERAL ELECTION WITH PROVISIONS FOR APPOINTMENTS DEPENDING ON THE LENGTH OF TIME THE OFFICE WAS VACANT, PRIOR TO A GENERAL ELECTION.

PETITIONER LYNN DALTON, INFORMED THE COMMISSION SHE HAD FILED THE PETITION ON BEHALF OF A COMMITTEE KNOWN AS "CONCERNED CITIZENS FOR BANGOR". SHE ADDED THE PETITION COVERED ONLY ONE ISSUE THE COMMITTEE HAD BEEN CONCERNED WITH AND THAT OTHER MATTERS WERE BEING RESEARCHED AT THIS TIME.

FOLLOWING THE COMMENTS MADE IN CITIZEN INPUT, THE COM-

MISSION RETURNED TO THE REGULAR ORDER OF BUSINESS.

CHAIRMAN DONER STATED IT WAS THE JOB OF THE ELECTION COMMISSION TO DETERMINE THE CLARITY OF THE PETITION IN ACCORDANCE WITH THE LAWS AND CASES THAT INTERPRET THOSE PETITIONS. FURTHER, IT WAS NOT THE DUTY OF THE BOARD TO RULE ON THE TYPE OF ISSUES RAISED, BASED ON COMMENTS MADE BY THE PETITIONER AND MEMBER WHOSE RECALL WAS BEING SOUGHT.

MR. CARLAND STATED THE BARRIER REFERRED TO IN THE PETITION HAD BEEN FUNDED BY LOCAL PROPERTY OWNERS AND NOT BEEN PAID FOR WITH TOWNSHIP MONIES. A BARRIER HAD BEEN CONSTRUCTED AT THE REQUEST OF SAID PROPERTY OWNERS TO REDUCE THE DISTURBANCE CAUSED BY EXCESSIVE TRAFFIC TO THE AREA. A GREAT DANGER EXISTED FROM MACHINERY & OTHER EQUIPMENT THAT WENT THROUGH THE BACK WOODS AND FORMERLY UTILIZED THE AREA NOW BARRICADED. ACCESS TO THE LANE LEAD TO LATE NIGHT CAROUSING BY YOUNG PEOPLE, TO THE POINT WHEREBY TWO RESIDENTS EVENTUALLY MOVED OUT. MR. CARLAND FELT THE CLOSURE OF THE LANE WOULD ELIMINATE DANGER TO THE RESIDENTS AND TOOK ADVANTAGE OF THE FINANCIAL SUPPORT OFFERED BY RESIDENTS WHO HAD LIVED IN THE AREA. IT WAS HIS FEELING, HE WOULD TAKE THE SAME COURSE OF ACTION AGAIN IF NECESSARY.

MS. DALTON RESPONDED THE COMMITTEE DID NOT ARGUE THE NEED FOR THE BARRICADE, ONLY THE FACT THAT MR. CARLAND PROCEEDED WITHOUT PERMISSION OR RESOLUTION OF THE TOWNSHIP BOARD.

CHAIRMAN DONER INDICATED HE UNDERSTOOD THE INTENT OF THE PETITION AFTER READING IT A NUMBER OF TIMES. JUDGE DONER QUESTIONED IF THE PETITION WAS CLEAR ENOUGH FOR THE ELECTORATE TO UNDERSTAND AND WHETHER OR NOT IT WAS SOMETHING MR. CARLAND NEEDED AUTHORIZATION OR RESOLUTION OF THE BOARD FOR. NOTED WAS THE GRAMMER OF THE PETITION, THE LANGUAGE HAD NOT BEEN PRESENTED IN COMPLETE SENTENCE FORM.

MOTION #1: JUDGE DONER MOVED THAT THE RECALL PETITION SUBMITTED FOR THE BANGOR TOWNSHIP SUPERVISOR, BE DENIED ON THE BASIS THAT IT WAS INSUFFICIENTLY CLEAR. BARBARA ALBERTSON SUPPORTED THE MOTION AND IT WAS ADOPTED BY ROLL CALL OF 3 YEAS, 0 NAYS.

CHAIRMAN DONER STATED THE RECALL PETITION HAD BEEN UNANIMOUSLY REJECTED FOR NOT MEETING THE CLARITY STANDARDS OF THE STATUTE. THE CHAIRMAN REQUESTED THE CLERK SEND WRITTEN NOTIFICATION TO THE PARTIES.

MOTION #2:

CHAIRMAN DONER MOVED TO ADJOURN THE
ELECTION COMMISSION SESSION. GEORGE
MULLISON SUPPORTED THE MOTION AS THE
MEETING WAS ADJOURNED AT 9:00 A.M. BY
UNANIMOUS ROLL CALL VOTE.

RESPECTFULLY SUBMITTED

BARBARA ALBERTSON
BAY COUNTY CLERK